

Appl. No. 10/623,846

Amdt. Dated July 15, 2004

Reply to Office Action of April 15, 2004

REMARKS

Reconsideration of the application is requested.

Applicant appreciatively acknowledges the Examiner's confirmation of receipt of applicant's claim for priority under 35 U.S.C. § 119(a)-(d) and the receipt of the certified copies of the priority documents in the National Stage from the International Bureau for the International Patent Application PCT/DE02/00111, filed January 16, 2002 under 35 U.S.C. § 120.

Please note that the applicant has also already filed, on October 3, 2003, a claim for priority, under 35 U.S.C. § 119, together with the certified copy of the German Patent Application 101 02 443.6, filed January 19, 2001.

Claims 1-9 are in the application. Claims 4 and 9 have been amended.

Applicant appreciatively acknowledges the Examiner's statement in item 3 on page 2 of the above-identified Office Action that claims 4-9 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Accordingly, applicant

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has rewritten claims 4 and 9 in independent form and believe that claims 4-9 are in condition for immediate allowance.

In "Claim Rejections - 35 USC § 102" item 2 on page 2 of the above-identified Office Action, claims 1-3 have been rejected as being fully anticipated by U.S. Patent No. 6,094,074 to *Chi, et al.* (hereinafter **CHI**) under 35 U.S.C. § 102(b).

As will be explained below, it is believed that claims 1-3 were patentable over the cited art in their original form and, therefore, the claims have not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 1 calls for, *inter alia*, a current source circuit that includes:

a component **determining a magnitude of a current emitted from the current source circuit**, and

a control apparatus **connected to and controlling the component**, a control process being carried out in dependence on conditions prevailing in a unit **supplied with the current from the current source circuit**.

Allowable independent claims 4 and 9 contain similar language.

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The **CHI** reference discloses a common mode logic (CML) circuit having an improved bias circuit and an active MOS load operating exclusively in the triode region to provide improved performance characteristics including a high speed of operation. More specifically, **CHI** indicates that the "CML circuit 10 includes a bias and logic portion" that are identified in FIG. 1 of **CHI** by reference numerals 11 and 12. The CML circuit 10 is not a current source circuit as recited in claim 1. Moreover, **CHI** clearly identifies N17 in FIG. 1 as "current source transistor N17" (Col. 4, lines 37-38), in contrast to the assertion in the above-identified Office Action that N17 is "a component determining a magnitude of a current emitted from the current source circuit" as recited in claim 1 of the instant application.

Clearly, **CHI** does not show a "component **determining a magnitude of a current emitted from the current source circuit**" as recited in claim 1 of the instant application. Nor does **CHI** teach or suggest that "a control apparatus **connected to and controlling said component**" is dependent on conditions "in a unit **supplied with the current from the current source circuit**" as recited in claim 1 of the instant application.

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As indicated in MPEP § 2131, to anticipate a claim, **CHI** must teach every element of the claims. More specifically, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). **CHI** does not provide the necessary express or inherent description.

In the present case, the CML circuit 10 of **CHI** is not a current source as asserted in the above-identified Office Action. Moreover, N17 of **CHI** is a "current source" and as such does not determine "a magnitude of a current emitted from the current source circuit" as recited in claim 1 of the instant application. Clearly, **CHI** does not anticipate claim 1-3 of the instant application, because "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1, 4, and 9. Claims 1, 4, and 9 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable

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as well because they all are ultimately dependent on either claim 1 or claim 4.

In view of the foregoing, reconsideration and allowance of claims 1-9 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099. Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

  
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KHF:cgm

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